

EXHIBIT A



STATE OF MICHIGAN
 JOCELYN BENSON, SECRETARY OF STATE
 DEPARTMENT OF STATE
 LANSING

July 28, 2022

Dear County Clerks and Election Directors:

The Bureau of Elections (BOE) is aware that several county clerks have received correspondence regarding the certification of the Dominion, ES&S, and Hart voting systems for use in Michigan. Clerks have received communications claiming that they should not continue to use the voting systems in upcoming elections. These claims are false, and you should continue to use the certified electronic voting systems that your counties selected for use for all Michigan elections.

In 2017, the Board of State Canvassers (BSC) approved the three voting systems for use in Michigan as required by MCL 168.795a. Prior to approval, the systems were tested by one of the Election Assistance Commission (EAC)-accredited voting systems test laboratories (VSTL),¹ and then were subject to rigorous Michigan-specific testing conducted by BOE. Only after BSC approval did county clerks determine which voting system would be used in the county.

The claims that the VSTLs used to test the voting systems were not EAC-accredited are not accurate. As stated on the EAC website:

Pro V&V was accredited by the EAC on February 24, 2015. Federal law provides that EAC accreditation of a voting system test laboratory cannot be revoked unless the EAC Commissioners vote to revoke the accreditation: "The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission." 52 U.S. Code § 20971(c)(2). The EAC has never voted to revoke the accreditation of Pro V&V. Pro V&V has undergone continuing accreditation assessments and had new accreditation certificate issued on February 1, 2021.²

SLI Compliance was accredited by the EAC on February 28, 2007. Federal law provides that EAC accreditation of a voting system test laboratory cannot be revoked unless the EAC Commissioners vote to revoke the accreditation: "The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission." 52 U.S. Code § 20971(c)(2). The EAC has never voted to revoke the accreditation of SLI Compliance. SLI Compliance has undergone continuing accreditation assessments and had a new accreditation certificate issued on February 1, 2021.³

Both Pro V&V and SLI Compliance, the two VSTLs used by the three voting system vendors used

¹ Pro V&V and SLI Compliance, as noted at <https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl> (Last visited July 27, 2022).

² <https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl/pro-vv> (Last visited July 27, 2022).

³ <https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl/sli-compliance-division-gaming-laboratories> (Last visited July 27, 2022).

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in Michigan, were EAC-accredited at the time of the original testing of the voting systems and have remained accredited to this day.⁴

As you are aware, decades ago, the Michigan State Legislature enacted provisions of the Michigan Election Law that expressly require that ballots be counted by a certified electronic system. MCL 168.37, 795, 795a. They did not include any provision that authorizes a hand count of ballots in determining official results, outside of a recount. The Michigan Election Law does not allow local, county, or state officials to waive these requirements.

Nor does the Election Law permit anyone other than the county clerk to direct clerks on which voting equipment they can use. MCL 168.37a states that “a *county clerk*, in consultation with each city and township clerk in the county” will “determine which electronic voting system will be used in the county[.]” (emphasis added). Other governmental entities or 3rd parties are without legal authority to determine how votes will be counted.

County clerks across the state consulted with their local clerks and determined which of the 3 certified voting systems would be used. The voting systems were rolled out in 2017 and 2018 and have been in continuous use since.

It is unfortunate that you have once again been subjected to false claims about Michigan’s secure election process while you are doing the hard work of preparing for the upcoming election. As always, we thank you for your hard work and dedication to Michigan’s voters and are here to support you. Please do not hesitate to reach out to our office with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Brater', with a stylized flourish at the end.

Jonathan Brater, Director
Bureau of Elections

⁴https://www.eac.gov/sites/default/files/voting_system_test_lab/files/VSTL%20Certificates%20and%20Accreditation_0.pdf (Last visited July 27, 2022).